



TOWN OF STRATHAM

INCORPORATED 1716

10 BUNKER HILL AVENUE • STRATHAM, NH 03885

TOWN CLERK/TAX COLLECTOR 603-772-4741

SELECTMAN'S OFFICE/ADMINISTRATION/ASSESSING 603-772-7391

CODE ENFORCEMENT/BUILDING INSPECTION/PLANNING 603-772-7391

FAX (ALL OFFICES) 603-775-0517

August 12, 2013

Newton Tedder
US Environmental Protection Agency, Region 1
5 Post Office Square – Suite 100
Mail Code-OEP06-4
Boston, MA 02109-3912

RE: 2013 Draft NH Small MS4 NPDES General Permit

Dear Mr. Tedder,

Thank you for the opportunity to comment on the above referenced draft permit prior to its issuance. This is a very important matter to the Town of Stratham and the ability to comment on the Permit's potential effect on our community is essential to its eventual adoption by your agency and compliance by those identified as a participant under the Permit. We agree that clean water as defined under the Clean Water Act is essential to the continued enjoyment and economic vitality of the southern New Hampshire region. It is with this understanding and intent that we provide our comments specific to Stratham on the current draft of the Permit. The Town of Stratham would also incorporate by reference the comments provided by special counsel Sheehan, Phinney, Bass, & Green, PA dated August 13, 2013 as part of the New Hampshire Stormwater Coalition's comments, of which the Town was a participant.

Our points of concern and comments are as follows:

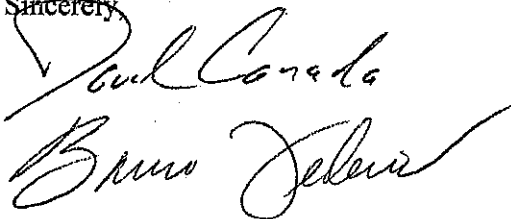
1. The Town of Stratham was not covered by the 2003 NH Small MS4 NPDES General Permit. Consequently, Stratham is new to this process and has not implemented any of the Phase I activities required under that permit. In reviewing the draft 2013 Permit, it is difficult at times to discern if communities newly covered by the Permit are recognized and differentiated from those communities who have already accomplished their Phase I objectives. To that end, a concerted effort should be made to designate which Phase II Permit conditions are applicable to all MS4 communities immediately and which are delayed for a certain period for the newly enrolled in the program. Although some effort has been made to make the distinction, it is not clear throughout the draft Permit.
2. The projected costs of implementing the draft Permit are beyond comprehension. First year estimates for Stratham have a range of \$262,700 to \$374,700 with annual costs ranging between \$231,700 to \$330,200. This is a five-year commitment of between \$1,189,500 to \$1,695,000. These costs would be equivalent to 4% - 6% of our annual operating budget and 42% - 61% of our current annual Highway Maintenance Budget.

The annual budgetary impact will be staggering to small towns throughout New Hampshire.

3. We are concern with the timing of the adoption of the eventual Permit. In New Hampshire, most Towns seek funding authority once per year at Town Meetings. The Town of Stratham has its Town Meeting in March of each year. In order to meet the statutory deadlines and to have a full comprehensive review of budgeted items, costs need to be known by the preceding December in order to include the budgetary warrant article required to give the public notice of the request for funding. If the adopted Permit requires immediate funding for actions to be taken under the Permit, there may not be funds authorized to expend towards those requirements. This is especially troublesome to communities, like Stratham, who are new to the Permit terms and therefore do not have an ongoing budgetary line item for this purpose. For those newly covered municipalities, we would request a one-year suspension of requirements under the Permit in order to seek funding for those requirements.
4. Lastly, there is a presumption that all New Hampshire MS4 communities operate in an urban, and if not, a semi-urban environment. We make this inference from the draft Permit requirements to mechanically sweep our streets and parking lots on a frequency determined by water quality results. Of the approximately 90 miles of town maintained highways, it is estimated that less than 25% are curbed. Without curbing, the exercise of street sweeping is not practical and largely inefficient/ineffective since the debris sought to be collected by the sweeping has been deposited into the adjacent ditchline by the sheet flow of stormwater. Uncurbed streets naturally wash clean the paved surface and stormwater is infiltrated into the ground under the ditch line. The ineffectual sweeping of Stratham highways would not justify the cost of such an operation.

These are our observations as a newcomer to this permitting process. There are others members of the NH Stormwater Coalition, who are much more versed in the draft Permit's terms and impacts to their communities. These are the ones that became apparent to us. We thank you for this opportunity to comment and truly appreciate the EPA's willingness to extend the comment period to the present date. It was an enormous help in absorbing much of this material. We hope our comments are met with their due respect and appreciation for the challenges the Permit requirements will present to us.

Sincerely,

The block contains two handwritten signatures. The first signature, in dark ink, appears to read "Paul Conada". The second signature, in a lighter, more cursive script, appears to read "Bruno Tedder".

Board of Selectmen

PRD

cc: Lynn J. Preston, Esq., Sheehan Phinney Bass + Green, PA